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| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):<br><b>John R. Pollitt, Esq. SBN 97817</b><br><b>Pollitt Law, Inc.</b><br><b>424 S. Beverly Drive</b><br><b>Beverly Hills, CA 90212</b><br>TELEPHONE NO: (310) 553-8533 FAX NO. (Optional): (310) 785-4200<br>E-MAIL ADDRESS (Optional):<br>ATTORNEY FOR (Name): <b>Plaintiff</b>   |  | FOR COURT USE ONLY<br><br><b>FILED</b><br><b>ALAMEDA COUNTY</b><br><b>JUL 27 2016</b><br>CLERK OF THE SUPERIOR COURT<br>By <u>M. Daniel Drey</u> Deputy |
| NAME OF COURT: <b>Alameda Superior Court</b><br>STREET ADDRESS: <b>24405 Amador Street</b><br>MAILING ADDRESS: <b>Hayward, CA 94544</b><br>CITY AND ZIP CODE:<br>BRANCH NAME: <b>Hayward Hall of Justice</b>   |  |   |
| PLAINTIFF: <b>Teodora Tapia also known as Teodora Rodriguez De Tapia</b><br>DEFENDANT: <b>Tesla Motors, Inc., and</b>  |  |   |
| <input checked="" type="checkbox"/> DOES 1 TO <u>25, inclusive</u><br><b>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</b><br><input type="checkbox"/> <b>AMENDED (Number):</b><br>Type (check all that apply):<br><input checked="" type="checkbox"/> <b>MOTOR VEHICLE</b> <input type="checkbox"/> <b>OTHER (specify):</b><br><input type="checkbox"/> <b>Property Damage</b> <input type="checkbox"/> <b>Wrongful Death</b><br><input checked="" type="checkbox"/> <b>Personal Injury</b> <input type="checkbox"/> <b>Other Damages (specify):</b> |  |   |
| Jurisdiction (check all that apply):<br><input type="checkbox"/> <b>ACTION IS A LIMITED CIVIL CASE</b><br>Amount demanded <input type="checkbox"/> does not exceed \$10,000<br><input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000<br><input checked="" type="checkbox"/> <b>ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)</b><br><input type="checkbox"/> <b>ACTION IS RECLASSIFIED by this amended complaint</b><br><input type="checkbox"/> from limited to unlimited<br><input type="checkbox"/> from unlimited to limited          |  | CASE NUMBER:<br><b>HG16825977</b>   |

1. PLAINTIFF (name): **Teodora Tapia also known as Teodora Rodriguez Tapia**  
 alleges causes of action against DEFENDANT (name): **Tesla Motors, Inc., and Does 1 to 25, inclusive,**
2. This pleading, including attachments and exhibits, consists of the following number of pages: 6
3. Each plaintiff named above is a competent adult
  - a. ☐ except plaintiff (name):
    - (1) ☐ a corporation qualified to do business in California
    - (2) ☐ an unincorporated entity (describe):
    - (3) ☐ a public entity (describe):
    - (4) ☐ a minor ☐ an adult
      - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b) ☐ other (specify):
    - (5) ☐ other (specify):
  - b. ☐ except plaintiff (name):
    - (1) ☐ a corporation qualified to do business in California
    - (2) ☐ an unincorporated entity (describe):
    - (3) ☐ a public entity (describe):
    - (4) ☐ a minor ☐ an adult
      - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b) ☐ other (specify):
    - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Complaint—Attachment 3.

ORIGINAL



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CASE NUMBER:

4. ☐ Plaintiff (name):  
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

- a. ☒ except defendant (name): Tesla Motors, Inc.

(1) ☐ a business organization, form unknown

(2) ☒ a corporation

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

- c. ☐ except defendant (name):

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

- b. ☐ except defendant (name):

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

- d. ☐ except defendant (name):

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

☐ Information about additional defendants who are not natural persons is contained in Complaint—Attachment 5.

6. The true names and capacities of defendants sued as Does are unknown to plaintiff.

7. ☐ Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.

b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.

c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.

d. ☐ other (specify):

9. ☐ Plaintiff is required to comply with a claims statute, and

a. ☐ plaintiff has complied with applicable claims statutes, or

b. ☐ plaintiff is excused from complying because (specify):



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10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☒ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☐ Other (specify):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (specify):  
Permanent Injuries.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Complaint—Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. PLAINTIFF PRAYS for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages
- b. The amount of damages is (you must check (1) in cases for personal injury or wrongful death):
- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: July 26, 2016

JOHN R. POLLITT

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)



SHORT TITLE:

Tapia v. Tesla Motors, Inc., et al.

CASE NUMBER:

First

(number)

**CAUSE OF ACTION—Motor Vehicle**ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): Teodora Tapia also known as Teodora Rodriguez De Tapia

MV- 1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on (date): August 12, 2014

at (place):

The premises located at Tesla Motor, Inc., 45500 Fremont Boulevard, City of Fremont, County of Alameda, State of California.

## MV- 2. DEFENDANTS

a. ☒ The defendants who operated a motor vehicle are (names):

Tesla Motors, Inc., and

☒ Does 1 to 25, inclusive,b. ☒ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names):

Tesla Motors, Inc., and

☒ Does 1 to 25, inclusive,c. ☒ The defendants who owned the motor vehicle which was operated with their permission are (names):

Tesla Motors, Inc., and

☒ Does 1 to 25, inclusive,d. ☒ The defendants who entrusted the motor vehicle are (names):

Tesla Motors, Inc., and

☒ Does 1 to 25, inclusive,e. ☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

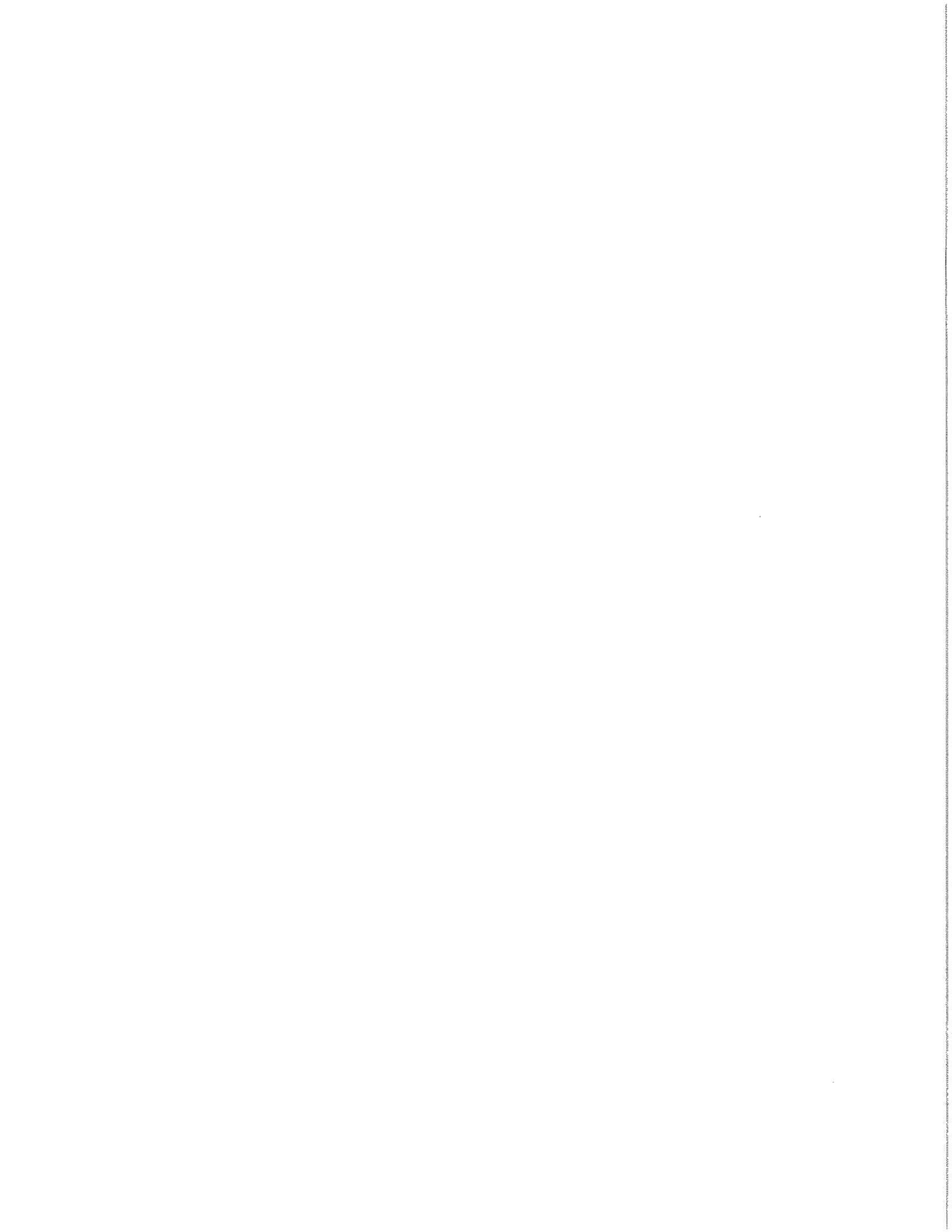
Tesla Motors, Inc., and

☒ Does 1 to 25, inclusive,f. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are☐ listed in Attachment MV-2f ☒ as follows:

Tesla Motors, Inc., and

☒ Does 1 to 25, inclusive,

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## SHORT TITLE:

Tapia v. Tesla Motors, Inc., et al.

CASE NUMBER:

Second  
(number)

## CAUSE OF ACTION—General Negligence

Page Five

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Teodora Tapia also known as Teodora Rodriguez De Tapia

alleges that defendant (name): Tesla Motors, Inc., and

☒ Does 1 to 25, inclusive

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): August 12, 2014

at (place): Tesla Motors, Inc., 45500 Fremont Blvd, City of Fremont, County of Alameda, State of California.

(description of reasons for liability):

On or about August 12, 2014, at approximately 10:00 p.m., plaintiff Teodora Tapia also known as Teodora Rodriguez De Tapia, herein referred to as Plaintiff, was an employee of Flagship Facility Services, Inc., and was working on said date and time, as a janitor providing janitorial services on the premises of defendant Tesla Motors, Inc., located at 45500 Fremont Boulevard, Fremont, CA 94538.

Plaintiff was in the course of performing janitorial services when she was struck by a Tesla vehicle that was being operated/driven by Defendant, Doe 1, an employee of Defendant Tesla Motors, Inc., and/or Defendants Does 2 through 25, inclusive, and as the result, Plaintiff was pinned between the bumpers of said vehicle and another vehicle.

Defendant Doe 1, an employee of Defendant Tesla Motors, Inc., and/or Defendants Does 2 through 25, inclusive, continued to drive/operate said vehicle and struck Plaintiff a second time, pinning Plaintiff a second time, between the bumpers of the two vehicles.

As the result of Defendants' actions, Plaintiff suffered serious and permanent injuries to her lower extremities and body.

Defendants, and each of them, negligently owned, operated, controlled, maintained and inspected its premises, which caused physical and emotional injuries to Plaintiff.

Defendants, and each of them, knew or should have known, of said dangerous conditions on its premises, failed to warn Plaintiff of the dangerous conditions, failed to make safe, and failed to employ sufficient personnel to operate, manage, maintain, inspect and clean its premises.



SHORT TITLE:  
Tapia v. Tesla Motors, Inc., et al.

CASE NUMBER:

Third  
(number)

**CAUSE OF ACTION—Premises Liability**

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ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): Teodora Tapia also known as Teodora Rodriguez De Tapia  
alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.  
On (date): August 12, 2014 plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

Please refer to Attachment Prem.L-1 attached hereto.

Prem.L-2. ☒ **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):  
Tesla Motors, Inc., and

☒ Does 1 to 25, inclusive

Prem.L-3. ☒ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names): Tesla Motors, Inc., and

☒ Does 1 to 25, inclusive

Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☐ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does \_\_\_\_\_ to \_\_\_\_\_

- a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.  
b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):  
Tesla Motors, Inc., and

☒ Does 1 to 25, inclusive

- b. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are  
☐ described in attachment Prem.L-5.b ☒ as follows (names):  
Tesla Motors, Inc., and Does 1 to 25, inclusive,



## SHORT TITLE:

Tapia v. Teslar Motors, Inc., et al.

## CASE NUMBER:

ATTACHMENT (Number): Prem.L-1

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(This Attachment may be used with any Judicial Council form.)

(Add pages as required)

On or about August 12, 2014, at approximately 10:00 p.m., plaintiff Teodora Tapia also known as Teodora Rodriguez De Tapia, herein referred to as Plaintiff, was an employee of Flagship Facility Services, Inc., and was working on said date and time, as a janitor providing janitorial services on the premises of defendant Tesla Motors, Inc., located at 45500 Fremont Boulevard, Fremont, CA 94538.

Plaintiff was in the course of performing janitorial services when she was struck by a Tesla vehicle that was being operated/driven by Defendant, Doe 1, an employee of Defendant Tesla Motors, Inc., and/or Defendants Does 2 through 25, inclusive, and as the result, Plaintiff was pinned between the bumpers of said vehicle and another vehicle.

Defendant Doe 1, an employee of Defendant Tesla Motors, Inc., and/or Defendants Does 2 through 25, inclusive, continued to drive/operate said vehicle and struck Plaintiff a second time, pinning Plaintiff a second time, between the bumpers of the two vehicles.

As the result of Defendants' actions, Plaintiff suffered serious and permanent injuries to her lower extremities and body.

Defendants, and each of them, negligently owned, operated, controlled, maintained and inspected its premises, which caused physical and emotional injuries to Plaintiff.

Defendants, and each of them, knew or should have known, of said dangerous conditions on its premises, failed to warn Plaintiff of the dangerous conditions, failed to make safe, and failed to employ sufficient personnel to operate, manage, maintain, inspect and clean its premises.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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